IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5134 OF 2005

Vora Naresh Balwantrai ...Applicant
vs.
State of Maharashtra & Anr. ...Respondents

Mr.Kuldeep Patil i/b Mandar Goswami for the Applicant
Mr.K.V.Saste, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 12,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The present application for anticipatory bail is filed by the Applicant as he is apprehending arrest in connection with C.R.No.3043 of 2005 registered with Imambara Police Station, Nagpur. The learned A.P.P. pointed out that the Applicant has not approached the Sessions Court.

2. Relying upon the decision of this Court reported in 1985 Cri.L.J. 1887 (N.K.Nayar and others Vs. State of Maharashtra and others), the learned Advocate for the Applicant submitted that this Court can entertain the application.

3. I have considered the submissions. The Division Bench in the case of N.K.Nayar (supra) after examining the powers of this Court to grant anticipatory bail, granted relief to the Applicants for a limited period to enable them to approach the appropriate Court. I propose to adopt the same course.

Considering the facts and circumstances of the case, in my view a case is made out to grant limited relief to enable the Applicant to approach the appropriate court by way of filing application for grant of anticipatory bail. Considering the fact that the offence is registered at Nagpur longer time deserves to be granted in favour of the Applicant.

4. Hence I pass the following order :

i) For a period of four weeks from today, the Applicant shall not be arrested in connection with C.R.No.3043 of 2005 registered with Imambara Police Station, Nagpur subject to condition of complying with the conditions incorporated in clause (i) to (iii) of Sub Section 2 of Section 438 of the Code of Criminal Procedure, 1973.

ii) It will be open for the Applicant to file an application for anticipatory bail in the appropriate Court within a period of four weeks. If such application is filed, the concerned Court will hear and decide the same on its own merits without being influenced by grant of relief for a limited period by this Court.

iii) Parties to act upon an authenticated copy of this order.

JUDGE